

Dr. Michael M. Krop, Chair

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING
6Gx13- 4A-1.18, ASSIGNMENT-MEMBERS OF SAME FAMILY**

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

At its meeting on July 14, 2004, the School Board announced its intention to amend School Board Rule 6Gx13- 4A-1.18, Assignment-Members of Same Family, at the meeting of August 18, 2004, by implementing a process to grant an exception, in the case of a teacher, to the Board policy on the employment of members of the same family for good and sufficient cause, provided that the Superintendent notifies the Board in writing of the exception, and the basis for the exception.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 19, 2004, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by ~~striking through~~ words to be deleted and underscoring words to be added.

**ACTION PROPOSED BY
DR. MICHAEL M. KROP:**

That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4A-1.18, Assignment-Members of Same Family, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 18, 2004.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 14, 2004, its intention to amend Board Rule 6Gx13- 4A-1.18, Assignment – Members of Same Family, at its meeting of August 18, 2004.

PURPOSE AND EFFECT: The revision is to provide for a mechanism to grant an exception to the Board policy for good and sufficient cause.

SUMMARY: The Board rule establishes the policy and the process regarding direct supervision and employment of members of the same family by administrative supervisors.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(22); 1001.43(1) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 18, 2004, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 9, 2004, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Michael M. Krop
Date: June 30, 2004

Permanent Personnel**ASSIGNMENT--MEMBERS OF SAME FAMILY**

Administrative supervisors may not employ or directly supervise relatives at the same work location unless the Superintendent or the Superintendent's designee, for good and sufficient cause, grants an exception to this policy only in the case of a teacher, and notifies the School Board in writing of the exception and the basis for the exception.

REVISED
PURSUANT
TO BOARD
DIRECTION
ON
7/14/04

The administrative supervisor of any District entity or office shall disclose to the Superintendent of Schools or his/her designee any relative for whom the supervisor is responsible as to employment decisions, payroll authorization or job performance evaluations. All employees shall disclose to the Superintendent of Schools or his/her designee, the names of all relatives working at the same work location. Failure to immediately so advise shall be grounds for disciplinary action, up to and including dismissal.

School Board personnel may not directly or indirectly recommend independent contracts between the School Board and any relative.

Work location is defined to include payroll cost center or any administrative unit under the direct supervision of a permanent employee of the school system.

"Relative" with respect to an administrative supervisor means an individual who is related to the supervisor as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandfather, grandmother, grandchild or any person who resides in the same residence as the supervisor.

In the event of substantiated charges of favoritism or disruptive repercussions at a work site, based on family relationship, the appropriate area, bureau or district office will be responsible for effective resolution of the issue.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.42(22); 1001.43(1) F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Amended: 2-22-84; 7-13-88; 1-14-04